

PECFA Appeals March 2000

Although we can be accused of repeating ourselves, we are again this month going to concentrate on an aspect of the PECFA bond issue and the payoff of the PECFA backlog. Last month we provided an overview of the process that is going to be used to pay the approximately 3,600 claims that have been reviewed but not yet paid. This month we are going to reemphasize one element of that process: the **time frame for appeals**.

As we detailed in February, the program intends to implement changes to the payment and appeal process to allow the prompt payment of the backlogged claims while still trying to allow claimants the time necessary to review their claim documents and file an appeal if necessary.

Ahead of paying a backlog claim, the PECFA program will be sending the claimant a copy of the claim review decision. Traditionally, the review documents and the check have gone out together and established the first point at which an appeal could be filed. **This is being changed.** The appeal period will now start with the mailing out of the review decision to the claimant. The review decision will be sent to the claimant before a check is created and the decision will be sent only to the claimant. Separate mailings will not be made to the consultant or other individuals. At the time that a check is sent out, a copy of the review decision will also be mailed with the check.

The change in procedure will allow the program to process batches of checks faster and with more accuracy. PECFA recognizes, however, that it is changing a relatively long-standing process. As a result, the program has promulgated an emergency rule to allow more time for owners, lenders and consultants to jointly review decision documents and to file a timely appeal if necessary. On February 15th, the Department published the following as part of an emergency rule:

"Comm 47.53 (1) (b)(b) *Appeal Requirements*. All appeals pursuant to this chapter shall be filed no later than 30 calendar days from the date of the decision being appealed, except that appeals from decisions issued between February 15, 2000, and June 30, 2000, shall be filed no later than 90 calendar days from the date of the decision being appealed."

This language will be carried onto the PECFA decision document that the claimant will receive. On the form the following will be stated:

A request for a hearing will be denied if the appeal is RECEIVED by the department more than 30 calendars days after the DATE OF DECISION indicated on the face of the PECFA award summary, titled "Breakdown of PECFA Costs", except that appeals from decisions issued between February 15, 2000, and June 30, 2000, must be received no later than 90 calendar days from the DATE OF DECISION indicated on the face of the PECFA award summary.

Claimants will, in the very near future, be receiving copies of decisions related to claims in the PECFA backlog. **The claimant will be the only one receiving a copy at that initial point.**

Although PECFA will not be sending out multiple copies of the review decisions, it does intend to post, on the Department's internet site, the listing of remediation sites for which decisions have been sent out. This listing is an outgrowth of the computer program being used to assist in the payment of the checks. The computer will be selecting batches of 250-300 claim reviews and printing the documents associated with the review decisions (which will be sent to the claimant).

The computer will also be creating the data file that will be used in generating the actual checks and a listing of sites and dollar reimbursements. The listing of sites will be used to release funds from the bond proceeds so that the checks can be paid. A secondary use will be the posting of the list on our Internet site so that consultants, lenders and others can monitor when site decisions are being mailed out. The expectation is that the "list" will go on the Internet at the same time that the review decisions for a "batch" are mailed to claimants. We hope this will give consultants and lenders an alternate means of monitoring the claimant notification process.